



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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August 1, 2014

TECHNICAL STAFF REPORT

Petition Accepted on April 22, 2014

Hearing Examiner Hearing of August 14, 2014

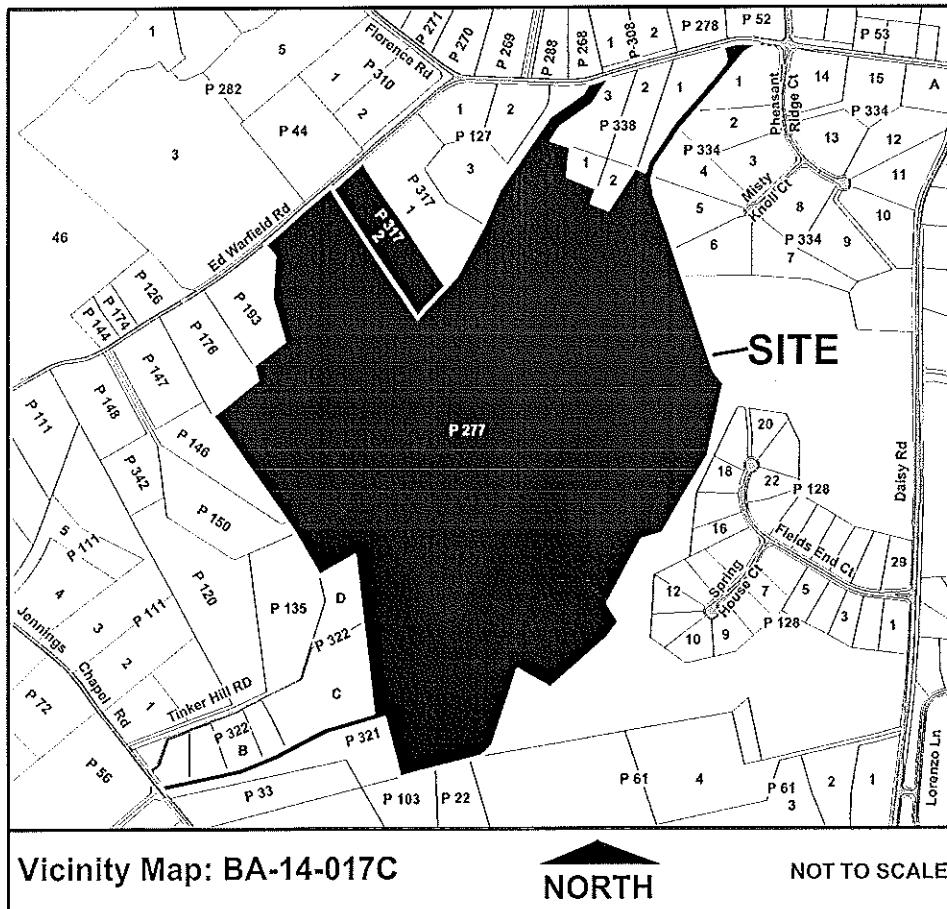
Case No./Petitioner: BA 14-017C Oakdale Farm, LLC

Request: Conditional Use for a Farm Winery, Class 2 (Section 131.0.N.58).

Location: Fourth Election District
Southeast side of Ed Warfield Road approximately 1,000 feet southwest of Florence Road
Tax Map 13, Grid 23, Parcel 277 & Parcel 317, Lot 2; 16449 Ed Warfield Road

Area of Site: 175.03 acres (Parcel 277) and 5.847 acres (Parcel 317, Lot 2), 180.88 acres total (the "Property")

Zoning: RC-DEO (Rural Conservation – Density Exchange Option Overlay)

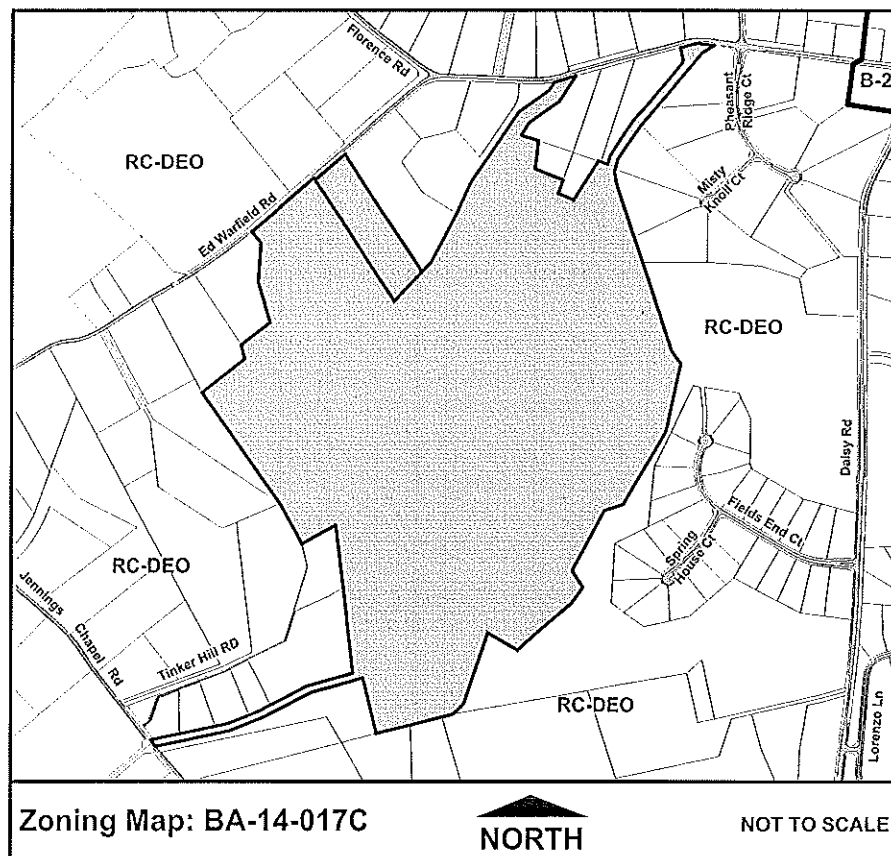


I. CONDITIONAL USE PROPOSAL

The Property comprises 180.88 acres of which 175.03 acres are subject to an Agricultural Land Preservation Easement. This parcel is improved with a historic residential building, Oakdale, listed as HO-2 in the Howard County Historic Sites Inventory and various outbuildings described in Section II below. The 5.847 acre lot (Parcel 317, Lot 2, Record Plat 10715) is unimproved and adjoins the larger parcel on its south and west sides.

The Petitioner proposes to operate a Farm Winery, Class 2 on the Property. An area of approximately eight acres which is identified on the Conditional Use Plan ("CUP") as the proposed Orchard and Vineyard would be utilized as a vineyard for the growing and harvesting of grapes and/or fruit for wine production. The proposed Orchard and Vineyard will be located approximately 800 feet from the principal residence and beyond a stream on the westerly side of the Property. Planting of at least two acres will be initiated upon petition approval and will be established within two years of approval. All production and bottling will take place indoors within an existing barn designated on the CUP as the Existing Structure for Wine Production. All materials will be stored within this building. The only equipment to be utilized will be on-site farm equipment for the transportation of materials to and from on-site facilities.

Wine tasting and sales will take place indoors within an existing 9,000 s.f. building area designated on the CUP as the Existing Structure for Wine Tasting/Sales (the "Sales Area"). The Sales Area comprises a large gathering room and multiple bathrooms including handicap facilities. A swimming pool is situated to the east of the Sales Area and outdoor activities will be limited to the pool area for larger events during good weather. A 10,800 s.f. temporary tent pavilion area is proposed to be located to the east of the pool area during special events.



Everyday Events: The facility will be limited to a maximum of 50 people on site at any given time per day. Activities will include wine tasting, wine sales, tours, educational programs, meetings and social events. Hours of operation are estimated to be 10:00 a.m. through 10:00 p.m. daily.

Special Events: Approximately 15 times per year Special Events such as weddings, retreats and/or reunions may be held on the Property. These events would be limited to a maximum of 500 attendees. During any events which involve the playing of music, all music will end by 9:00 p.m.

The number of employees estimated to work at the winery including family members is three to five. This number may increase annually during the harvest period when an additional five to six employees may be needed. Caterers may provide additional staff during Special Events.

No new outdoor lighting is proposed other than pathway lighting. The buildings and pool area will have exterior lighting typical for residential properties.

Access to the Farm Winery will be from a new driveway entrance proposed to be located approximately 55 feet from the eastern property line. A stone entry feature and gate will be located on each side of the new driveway. The proposed driveway would lead to 181 proposed parking spaces which will comprise two areas. The main parking area will have 91 spaces and will be located approximately 75 feet from the future right-of-way of Ed Warfield Road and approximately 150 feet from the east property line. This area will be buffered by an existing row of large evergreen trees adjacent to Ed Warfield Road. An overflow parking area containing 90 spaces will be located slightly to the south of the main parking area and approximately 150 feet from the east property line. There is a partial row of large evergreen trees along the eastern lot line and additional screening is proposed along this side of the overflow parking area. The new driveway and parking areas will be paved with asphalt to reduce dust and noise.

Pedestrian pathways are proposed to run between the new parking areas and there will be pathway connections to the pool area. The grade drops slightly between the proposed parking area and the pool area and there will be steps and handicap ramps to accommodate the gradient change.

II. BACKGROUND INFORMATION

A. Site Description

The Property comprises two parcels totaling 180.88 acres of which 175.03 acres are subject to an Agricultural Land Preservation Easement. The larger parcel is predominately improved with a historic residential building, Oakdale, listed as HO-2 in the Howard County Historic Sites Inventory. The 5.847 acre lot is unimproved and adjoins the larger parcel on its south and west sides.

The development on the Property is concentrated predominately near the front. The CUP depicts the 9,000 s.f. Sales Area as being situated approximately 288 feet from the closest property line to the west and approximately 350 feet from the future right-of-way of Ed Warfield Road. The principal residence is situated slightly to the south of the Sales Area and is connected by a covered structure which appears to contain parking spaces.



Aerial photo – partial property image – no scale

A 1,400 s.f. tenant house is situated about 40 feet to the west of the Sales Area, a 2,000 s.f. tenant house is situated about 70 feet north of the swimming pool and there is a smoke house to the west of the principal residence.

To the southwest of these improvements are an 800 s.f. equipment shed, a 1,500 s.f. small barn and a 5,000 s.f. large barn which is proposed to be used for wine production (the Existing Structure for Wine Production).

A pond and a stream are located to the west of the barns. The stream is centrally located within a private forest conservation easement (Record Plat 22005) comprising 5.109 acres, and a 100 foot stream buffer is present on each side of the stream. Beyond the west side of the stream buffer is an area which slopes fairly steeply uphill to the west. This sloped area is surrounded by stands of woods and is the area of the proposed Orchard and Vineyard.

Access to the Property is via a driveway located about 330 feet from the western property line. This driveway runs to the south and forms a loop in front of the northern tenant house and continues to the south where it forms a small parking area on the south side of the southern tenant house and a circle in front of the principal residence. (This driveway

entrance will not be utilized for the Farm Winery use primarily due to limited sight distance.) The driveway continues to the southwest to the area of the barns and shed, then as a gravel drive, runs east to the field areas. Approximately 70 acres of the farm are fields utilized for crop production including copra, soybeans, wheat, and hay. A spur from the gravel drive leads north and terminates approximately 180 feet from Ed Warfield Road.

The Property also has frontage on Jennings Chapel Road and two frontage points on Ed Warfield Road but these are not commonly used for access to the Property.

The topography of the Property is relatively level around the developed area with some descent in elevation slightly toward the west in the pool area and is generally gently rolling throughout the remainder of the site. There are some more steeply sloped areas in the western portion of the site and in the vicinity of the proposed Orchard and Vineyard. There is a high point in the western central portion of the site and the topography descends from that high point to the stream and toward the rear of the Property. There are stands of woods around the pond area, the proposed Orchard and Vineyard area and throughout the Property in the developed portion. The majority of the perimeters are wooded to some degree and there are thickly wooded buffers along the southwest rear perimeter and the eastern side of the Property. There are large evergreen trees adjacent to Ed Warfield Road in the vicinity of the proposed parking area and along a portion of the eastern lot line in the vicinity of the proposed parking area. There are many large, mature shade trees throughout the Property.

B. Vicinal Properties

Vicinal properties are zoned RC-DEO. Parcels to the east and west generally range in size from approximately three acres to 10 acres and are predominately improved with single-family detached dwellings and various outbuildings.

Parcels 193, 176 and 317, Lot 1 have frontage on Ed Warfield Road and adjoin the Property in the vicinity of the proposed Conditional Use. On the east side of the Property, the proposed driveway will be situated approximately 150 feet from the dwelling on Parcel 317, Lot 1. This driveway will be screened by existing and proposed evergreens. On the west side of the Property, the dwelling on Parcel 193 is separated from the developed portion of the Property by distance and wooded buffers. The dwelling on Parcel 176 is situated in proximity to the pond and the proposed Orchard and Vineyard area and there is a wooded buffer around the pond and proposed Orchard and Vineyard area. Vicinal properties located adjacent to the east, west and south (rear) sides of the Property are well separated from the developed portion of the Property by distances of up to several hundred feet and wooded buffers.

Properties across Ed Warfield Road are predominately improved with single-family detached dwellings and various outbuildings.

C. Roads

Ed Warfield Road has approximately 19 feet of paving within a future 50 foot right-of-way. According to data from the Department of Public Works, the traffic volume on Ed Warfield Road west of Daisy Road was 1,143 ADT (average daily trips) as of January, 2000. The posted speed limit is 30 miles per hour.

According to the submitted Sight Distance Plan the estimated sight distance from the proposed driveway entrance will be approximately 200 feet to the east and 290 feet to the west.

D. Water and Sewer Service

The Property is not within the Metropolitan District according to the Howard County Geographic Information System maps. According to this same map, the Property is shown as being in the No Planned Service Area for Water and Sewer.

E. General Plan

The Property is a designated Rural West area on the Designated Place Types Map of PlanHOWARD 2030.

Ed Warfield Road in the vicinity of the Property is classified as a local road on the Functional Road Classification Map of PlanHOWARD 2030. It is a designated scenic road on the PlanHOWARD 2030 Scenic Road map.

F. Agency Comments

See attached comments on the proposal from the following agencies:

1. Bureau of Environmental Health
2. Department of Inspections, Licenses and Permits
3. Department of Fire and Rescue Services
4. Agricultural Land Preservation Program (ALPP)
5. Office of Transportation

The following agencies had no objections to the proposal:

1. Department of Recreation and Parks
2. Historic Preservation Commission

III. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 131.0.B. of the Zoning Regulations (general criteria for Conditional Uses):

1. The proposal will be in harmony with the land uses and policies in the Howard County General Plan, particularly the Agricultural Preservation component of Chapter 4, Resource Conservation, which encourages diversification by growing new items and may also mean inviting the public onto the property to facilitate direct sales of the farm's harvest, sometimes in conjunction with educational or entertainment activities (also see the attached ALPP comments). The large size of the Property in relation to the use and the location of the site with respect to streets giving access to the site are generally harmonious with the land uses and policies indicated in the Howard County General Plan for the district in which it is located.
2. The proposed use will not create noise, dust, fumes, odors, increased intensity of lighting, vibrations, hazards or other physical conditions which will have adverse effects upon vicinal properties. The proposed driveway entrance and parking aisles will be paved to reduce any dust and noise from vehicles. No additional exterior lighting is proposed other than low level pathway lighting. During any events which involve the playing of music, all music will end by 9:00 p.m.

3. No new structures are proposed. Additional evergreen screening is proposed to screen the parking areas. The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.
 4. There is no specific parking requirement for the proposed use; however, the number of proposed parking spaces exceeds the requirement of 10 spaces/1,000 s.f. for a place of assembly, the closest similar category. The main parking area would be set back 75 feet from the future road right-of-way and both parking areas will be screened by evergreens. The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas and driveways will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.
 5. The petition includes a Sight Distance Plan and Profile as well as an Adequate Road Facilities Test Evaluation for the access drive proposed for the use. The proposed ingress and egress drive will likely provide safe access with adequate sight distance, based on existing and proposed conditions. The proposed use will not have shared driveway access.
 6. The petition states that that the Farm Winery operations will not impact floodplains, wetlands, stream buffers, steep slopes or other environmental features on the Property. The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.
 7. No new structures are proposed in conjunction with the use. The proposed driveway, plantings, and operations associated with the use will be well separated by distance and wooded areas and will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.
- B. Evaluation of petition according to Section 131.0.N.58 (Specific Criteria for a Conditional Use for a Farm Winery, Class 2):
1. This section sets a 25 acre minimum lot size requirement and the use would be located on a 180.88 acre parcel so the petition complies with this section.

The majority of the acreage of the Property is encumbered with an Agricultural Land Preservation Easement. Section 106.1.D.1.a. stipulates that on an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement. In this case, the cumulative total of the areas which would be utilized for the Conditional Use exceeds the 2% cap of approximately 3.5 acres, however, §106.1.D.1.b. allows that a Farm Winery, Class 2 Conditional Use which may require additional land area may be permitted on agricultural preservation easements, therefore, there is no percentage limit associated with this use and the petition complies with this section.

2. This section requires that the lot or parcel upon which the Farm Winery is located shall have frontage on and direct access to a road classified as an arterial or collector public road unless the Hearing Authority approves access to a local road as provided in §131.0.N.58.c. Since the proposed access would be from a local road, §131.0.N.58.c. is the applicable section.
3. The proposed use will access a local road. In accordance with this section, access to an arterial or collector public road right-of-way is not feasible and the local road is not internal to a residential cluster subdivision. Based on the previously mentioned Sight Distance Plan and Profile and Adequate Road Facilities Test Evaluation for the proposed access drive, it appears the proposed access to the local road will be safe based on existing and proposed conditions.

This section also requires that the use of the local road for access to the winery will not unduly conflict with other uses that access the local road. Since this road is popular with recreational cyclists, in order to reduce potential conflicts between cyclists and motorists, particularly on weekends when large events would be more likely to occur, it is recommended that the Petitioner provide event management information in accordance with the attached comments of the Office of Transportation.

4. The driveway providing access to the proposed site is not shared with other properties in compliance with this section.
5. In accordance with this section, all winery related structures and uses, including the parking areas, but excluding cultivation areas are located at least 75 feet from a public road right-of-way and 150 feet from all other lot lines.
6. The petition states that eight acres of grapes and fruit trees will be planted and that at least two acres of grapes or other fruit shall be initiated upon approval and successfully established within two years of approval in compliance with this section.
7. According to the petition, the Property is subject to a soil conservation management plan which satisfies the requirement of this section. The winery operation will not impact any floodplain, wetlands, stream buffers, steep slopes or other environmental features on the Property. There will be no disturbance or construction activities in or near the stream beds.
8. The planting and harvesting of grapes is consistent with the other farming operations on the Property and the Farm Winery use will be compatible with the rural character of the farm and the surrounding area.
9. The proposed hours of operation are estimated to be 10:00 a.m. through 10:00 p.m. in compliance with this section.
10. This section permits two categories of attendee events; Everyday Events and Special Events, each with specific limitations as follows:
 - (1) An Everyday Event is one that may occur each day of operation within a calendar year, or as may be further limited by the Hearing Authority, and the number of attendees at any single time shall be as specified by the Hearing Authority, but only up to a maximum of 50 persons at any given time. The most

common type of activity in an everyday event is that of customers visiting a tasting room at the Farm Winery to sample or purchase the products produced therein, but may include other low-intensity activities such as individual or small group tours, educational programs, meetings, and social events; and

- (2) A Special Event is an indoor and/or outdoor event that may be approved by the Hearing Authority for up to fifteen (15) days within a calendar year. The maximum number of attendees at any given time on a 25 acre farm shall be 150 persons, provided, however, that the Hearing Authority may increase this maximum number of attendees in accordance with §131.0.58.k if the property qualifies for such an increase. For a Special Event that occurs on more than one calendar day, each calendar day is counted as one event.

According to the petition, Everyday Events will be limited to a maximum of 50 people on site at any given time per day. Activities will include wine tasting, wine sales, tours, educational programs, meetings and social events. Special Events will be held approximately 15 times per year and will include events such as weddings, retreats and/or reunions. Special Events would be limited to a maximum of 500 attendees (see §131.0.N.58.k. below). The petition complies with this section.

11. The standard maximum number of persons permitted to visit the property at any one time for Special Events shall be 150 attendees. The Hearing Authority may increase the maximum number of Special Event attendees by 5 people for every acre of land area above the minimum 25 acre parcel size, based upon the gross acreage of the parcel, up to a total maximum of 500 attendees.

If the Farm Winery is located on a farm which is comprised of more than one parcel under the same ownership (the "Overall Farm"), the Hearing Authority may base this potential attendee increase on the gross acreage of the Overall Farm as long as there is a condition to decrease the number of attendees if for any reason the land area of the Overall Farm is reduced after the initial Conditional Use approval.

Based on the 180.88 acre Property size, the number of Special Event attendees has the potential to be increased to the 500 person maximum permitted with approval by the Hearing Authority.

12. A Farm Winery may produce, serve and sell food to complement wine tasting in accordance with Article 2B of Maryland State Code.
13. Any accessory retail sales within the Farm Winery, other than the wine and similar fermented beverages produced at the Farm Winery, are limited to items promoting the same Farm Winery, such as glassware, clothing, and wine-related items such as wine openers. A Farm Winery may sell plants and/or produce grown on-site.
14. If approved, the owner shall provide documentation to the Department of Planning and Zoning proving compliance with §131.0.N.58.f. It is the responsibility of the Farm Winery owner to obtain any other required Federal, State and County approvals required prior to operating the use.

IV. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Conditional Use for a Farm Winery, Class 2 (Section 131.0.N.58) be **APPROVED** subject to the following conditions:

1. The Conditional Use shall be conducted in conformance with and shall apply only to the Conditional Use for a Farm Winery, Class 2 as described in the petition and as depicted on the Conditional Use plan submitted on April 22, 2014 and as may be revised by the Hearing Examiner, and not to any other activities, uses, or structures on the Property.
2. The Petitioner shall comply with all agency comments.



Marsha McLaughlin, Director Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter.

MM:ZLK/zlk



Bureau of Environmental Health

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Twitter: HowardCoHealthDep

Maura J. Rossman, M.D., Health Officer

MEMORANDUM

TO: Cindy Hamilton, Chief
Public Service and Zoning Administration

FROM: Michael J. Davis *mjd*
Assistant Director

DATE: July 7, 2014

RE: Petition # BA 14-017C
Oakdale Farm, LLC
Farm Winery

The Health Department has no objection to the proposed farm winery and offers the following advisory comments. The on-site sewage disposal system and future repair area will need to be evaluated for the change of use and will likely require the installation of a system utilizing the best available technology for removal of nitrogen (BAT). If wine process wastewater is proposed to be combined with domestic wastewater, or planned for a dedicated onsite system, a Groundwater Discharge Permit from Maryland Department of the Environment may be required. A review by the Health Department's Food Protection Program may be required if the proposal includes the sale of food or food preparation for consumption. Lastly, please note that use of the tent and other areas are required to be in compliance with the Howard County Noise Ordinance.

JUL 8 2014

MEMO TO: Department of Planning and Zoning

FROM: Department of Inspections, Licenses and Permits

Petition No.: BA 14-017 Date Due: 6/21/2014

Date Rec'd: 6/10/2014

Tax Map No.: 13 Block 23 Parcel: 227

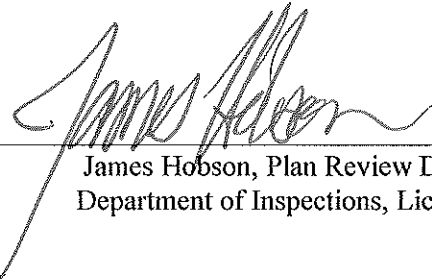
Applicant: Oakdale Farm, LLC

Location/Address: 16449 Ed Warfield Road, Woodbine, MD 21797

Nature of Petition: Conditional Use for a Winery Class

Approved, subject to the following advisory comments:

1. The petitioner shall be advised that a "Change in Use" permit will be required to use the existing structure for wine tasting and sales.
2. An accessible route thru the pool area may be hazardous to individuals with visual impairments.



James Hobson, Plan Review Division
Department of Inspections, Licenses and Permits

JUN 12 2014



✓ ZK

HOWARD COUNTY DEPARTMENT OF FIRE AND RESCUE SERVICES

6751 Columbia Gateway Drive, Suite 400, Columbia, Maryland 21046

410-313-6000 • www.hcdfrs.org

William F. Goddard, III, *Fire Chief*

Ken Ulman, *County Executive*

SUBJECT: BA 14-017C OAKDALE FARMS, LLC

TO: Planning and Zoning
FROM: Assistant Chief Daniel Merson
Office of the Fire Marshal
DATE: 6/24/2014

The Department of Fire and Rescue have the following comments on the proposed Board of Appeals Case 14-017C.

1. All temporary structures on site must meet any state and local fire codes and can be erected for a period less than 180 days.
- If you further assistance please contact the Office of the Fire Marshal at 410-313-6040.




Howard County

Internal Memorandum

MEMORANDUM

Subject: BA-14-017C Oakdale Farm, LLC

To: Zan Koldewey, Planning Specialist II

From: David Cookson, Office of Transportation 

Date: July 31, 2014

The Office of Transportation reviewed the referenced Conditional Use petition and offers the following comments:

1. The applicant is proposing to hold up to 15 special events a year, with up to 500 people attending and working during the special events. These special events include weddings and reunions, which could increase the number of vehicles on Ed Warfield Road on weekends and could impact recreational cyclists. To mitigate this impact, the applicant should inform the various cycling groups operating in the county of the time and dates of special events.
2. Install "share the road" signage along the property frontage to inform both cyclists and motorists of the rules on sharing the travel lanes on public roads.



Howard County

Agricultural Land Preservation Program

MEMORANDUM

Subject: BA-14-017C Oakdale Farm, LLC

To: Zan Koldewey, Planning Specialist II

From: Joy Levy, ALPP Administrator

Date: July 28, 2014

The referenced Conditional Use petition has been reviewed for compliance with the requirements of the Howard County Agricultural Land Preservation Program (ALPP). The following comments are forwarded for your review:

1. The Petitioner seeks to establish a Farm Winery – Class 2. Since the new use will include the planting of 8 acres of grapes, in addition to the current operation of 70+ acres of cropland, the proposal appears to be consistent with, and support, the farm and its production.
2. According to the Conditional Use petition, there is a Soil Conservation and Water Quality Plan in place on the property. If he hasn't already, the Petitioner is advised to contact the Howard Soil Conservation District to update the Plan to accommodate the new use. An updated Plan will ensure that the winery doesn't interfere with any of the best management practices recommended for the farm.
3. The Petitioner has stated that the Farm Winery operations will not impact floodplains, wetlands, stream buffers, steep slopes or other environmental features on the property.
4. The Farm Winery – Class 2 was approved as a conditional use in the RC and RR zoning districts under the assumption that, in general, it is compatible with the rural character of Western Howard County. Farm businesses that allow a large number of visitors to the property usually benefit the farmer through direct sales. Neighbors often have concerns about traffic, noise and proper screening. The Oakdale property is approximately 180 acres, and the Petitioner is proposing additional plantings in addition to existing trees to buffer Ed Warfield Road.
5. The Farm Winery – Class 2 use is exempt from the 2% cap that is imposed on most CUs that are allowed on ag preservation land. In this particular case, most of buildings and other areas to be utilized for the winery are clustered together in the northwest corner of the farm, and might possibly fit within 3.5 or so acres. However, the cap does not apply, and there is no maximum acreage or percentage limit associated with this use.

cc: Mariani/Oakdale File HO-92-02-E
Ag Read File